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MUNICIPALITY OF NEW LEBANON  
PUBLIC HEARING  
NOVEMBER 6, 2018  
7:00 P.M.

1 MR. ARRIOLA: Like to call to order  
2 the November 6th, 2018 annual appropriations  
3 ordinance meeting. First item on the agenda is  
4 opening of the public hearing.

5 MR. MARCUS: Let me -- let me make a  
6 quick remark here. The law director is going to  
7 indicate to council that should they wish to add  
8 something to the budget, take something out of the  
9 budget and modify it accordingly, he'll give them  
10 the direction on how to accomplish that. And if  
11 the budget works out that we had a little while  
12 back, there did seem to be some indication that a  
13 number of things might be added or adjusted or  
14 whatever. So our law director, would you give  
15 that direction please.

16 LAWDIRECTOR: In the event that  
17 there is any modification, change, amendment or  
18 whatever to the ordinance as currently drafted,  
19 that amendment, that modification needs to be  
20 very, very specific. It's -- it's extremely  
21 important that the language that you are reviewing  
22 is understood by all people and that -- that  
23 language is incorporated directly in any ordinance  
24 as amended. If that occurs, then there will need  
25 to be a motion made and if passed, the motion

1 would be to amend the ordinance to modify the  
2 language as per the specific recommendation. If  
3 that is then -- if the ordinance is then amended,  
4 then there will need to be a motion during council  
5 meeting to accept the motion -- accept the  
6 ordinance as amended as the first reading of the  
7 ordinance.

8                   So it's a multi-step process but  
9 probably the most important part of the process is  
10 that the language has to be very specific because  
11 we've got a -- you know, a document that is typed  
12 up and written and everything else and any motion  
13 needs to be extremely specific as to what's being  
14 changed, modified, added or subtracted. And I  
15 think that's the appropriate way of proceeding  
16 with it.

17                   MS. MADDEN: So if we have something,  
18 do we just make a motion?

19                   LAW DIRECTOR: Make a motion --

20                   MS. MADDEN: Or how do you want us to  
21 do?

22                   LAW DIRECTOR: Make a motion to amend  
23 the ordinance with the language that you want  
24 changed or modified. There may be multiple  
25 motions.

1 MS. MADDEN: Right.

2 LAW DIRECTOR: So each one has to --  
3 has to probably be handled separately and then  
4 when all of those are completed, then the motion  
5 to accept the ordinance as all of those  
6 amendments --

7 MS. MADDEN: Altered.

8 LAW DIRECTOR: -- pertain to it.

9 MR. ARRIOLA: Okay. You want to  
10 start, Vice Mayor Madden?

11 MS. MADDEN: I'd like to make a  
12 motion that we move the 25,000 that we had set  
13 aside for the veterans memorial into a playground  
14 equipment for Don Rusk Park. So we need a second  
15 for that, is that what we need?

16 MS. MACMANN: Second.

17 THE CLERK: (Indiscernible.)

18 MS. MADDEN: Pardon?

19 THE CLERK: (Indiscernible.)

20 MS. MADDEN: Yes. Seconded by Carol.

21 THE CLERK: Roll call.

22 MR. ARRIOLA: Roll call, yeah.

23 THE SECRETARY: Mr. Arriola?

24 MR. ARRIOLA: Yes.

25 THE CLERK: Mr. Joy?

1 MR. JOY: Yes.

2 THE CLERK: Ms. Macmann?

3 MS. MACMANN: Yes.

4 THE CLERK: Ms. Madden?

5 MS. MADDEN: Yes.

6 THE CLERK: Ms. McClusky?

7 MS. MCCLUSKY: Yes.

8 THE CLERK: Mr. Sands?

9 MR. SANDS: Yes.

10 THE CLERK: Mr. Thompson?

11 MR. THOMPSON: Yes.

12 THE CLERK: Seven yes and no no.

13 MR. THOMPSON: I've got a motion too.

14 MR. ARRIOLA: Anything else?

15 MS. MADDEN: He's got a motion.

16 MR. THOMPSON: I'd like to make a  
17 motion to replace the \$80,000 for the leaf machine  
18 under various capital improvements and replace  
19 that with \$20,000 -- up to 20,000 for the  
20 bathrooms at Don Rusk Park and up to 60,000 for  
21 the asphalt track at Don Rusk Park and my logic  
22 there is the -- we can get the leaf machine next  
23 year, 2020.

24 UNIDENTIFIED SPEAKER: Is that  
25 20,000?

1 MR. THOMPSON: That's 20,000 for the  
2 bathrooms at Don Rusk Park, that's the bathrooms  
3 located nearest the bus barn and 60,000 -- 60,000  
4 for the asphalt track. It may not be the complete  
5 track but at least enough for those in our  
6 community to -- you know, at least get around half  
7 of the track. That's the old -- that's the old  
8 track. You know, if you know what I'm talking  
9 about, not the expanded track.

10 UNIDENTIFIED SPEAKER: Did you say  
11 bus barn?

12 MR. THOMPSON: Yeah, the bathrooms  
13 next to the bus barn or next to the stage.

14 MS. MADDEN: Closest to the entry.

15 MR. THOMPSON: Closest to the  
16 entrance. Next to the high school football field.

17 MS. MADDEN: Keep describing 'em,  
18 Doug.

19 MR. THOMPSON: Got the help. Thank  
20 you for your consideration.

21 MS. MADDEN: I second.

22 THE CLERK: Okay. Mr. Joy?

23 MR. JOY: Yes.

24 THE CLERK: Ms. Macmann?

25 MS. MACMANN: Yes.

1 THE CLERK: Ms. Madden?

2 MS. MADDEN: Yes.

3 THE CLERK: Ms. McClusky?

4 MS. MCCLUSKY: Yes.

5 THE CLERK: Mr. Sands?

6 MR. SANDS: Yes.

7 THE CLERK: Mr. Thompson?

8 MR. THOMPSON: Yes.

9 THE CLERK: Mr. Arriola?

10 MR. ARRIOLA: Yes.

11 THE CLERK: Seven yes, no nos.

12 MR. ARRIOLA: Any others? Seconds?

13 Nope?

14 UNIDENTIFIED SPEAKER: I'm sorry?

15 MR. ARRIOLA: I said any others?

16 Okay. All right. Administrative staff comments,  
17 any remarks? Nothing? Okay. Questions, comments  
18 from the public? Please step forward to the  
19 podium, state your name and address and you'll  
20 have --

21 MS. MADDEN: Do we have a microphone?

22 MR. ARRIOLA: Yeah, grab the --

23 UNIDENTIFIED SPEAKER: About the  
24 budget?

25 MR. ARRIOLA: Yes. Strictly --

1 strictly the budget.

2 UNIDENTIFIED SPEAKER: Okay. Well --

3 MR. ARRIOLA: You have ten minutes to  
4 speak.

5 MS. BEMIS: Can you hear me?

6 UNIDENTIFIED SPEAKER: That's  
7 brand-new.

8 MS. MADDEN: Shannon broke it. Dang  
9 it, Shannon.

10 MS. BEMIS: Can you hear me? Okay.  
11 Shannon Bemis, 130 Bronwood Street.

12 I guess I just want to clarify  
13 something on the budget going through some things.  
14 At the last meeting, I asked if there was a park  
15 budget, a park fund and you -- Marcus, you said  
16 no. But looking through the budget it looks like  
17 there is a park fund, correct or incorrect?

18 MR. MARCUS: The parks notations that  
19 you see in there are largely for Scott's group  
20 because they're charged to different parts of the  
21 community budget system and a good example would  
22 be in their capitals, you'll see that listed under  
23 parks because they do lawn mowers and things like  
24 that in there.

25 MS. BEMIS: Okay. So when it comes



1 to park, the park fund on the budget, it's  
2 specifically for the service guys if they have to  
3 -- allot charges to that?

4 MR. MARCUS: Brenda, you want to jump  
5 in there?

6 MS. ETTER: Are you talking about the  
7 park donation fund?

8 MS. BEMIS: Yes.

9 MS. ETTER: That's just strictly for  
10 donation and expenses (indiscernible) using that  
11 fund pretty much (indiscernible).

12 MS. BEMIS: Okay.

13 MS. ETTER: (Indiscernible.)

14 MS. BEMIS: Okay. So the park board  
15 does not have a fund then?

16 MS. MADDEN: No.

17 MS. BEMIS: Okay.

18 MS. ETTER: No.

19 MS. MADDEN: We do not have a fund.

20 MS. ETTER: Only if the levy passes,  
21 then they'll have to (indiscernible).

22 MS. BEMIS: Okay. So the park  
23 donation fund, when was that set up? Like, is  
24 that a new thing?

25 MS. ETTER: No.

1 MR. MARCUS: No, that's been there  
2 for quite a few years.

3 MS. ETTER: It was here long before  
4 me.

5 MS. BEMIS: Okay. Okay.

6 MS. ETTER: That's pretty much so  
7 that you can tell under the activities --

8 MS. BEMIS: Okay.

9 MS. ETTER: (Indiscernible) table out  
10 of it and (indiscernible).

11 MS. BEMIS: Right. No, because I  
12 could tell there wasn't activity until like 2017  
13 so that's why I wasn't sure what was --

14 MS. ETTER: (Indiscernible) trying to  
15 help the park (indiscernible) going.

16 MS. BEMIS: Okay. All right. Okay.  
17 I think that's really, I just wanted to clarify  
18 what that fund was. Thank you.

19 MS. HASSELL: Stephanie Hassel, 412  
20 Cato Court. Wanted to request -- is this on?  
21 Okay. I'm sorry, I can't hear it very well.  
22 Wanted to request \$3,000 for -- and that's the --  
23 the overall costs including the labor for the  
24 baseball fields at Don Rusk to shade them. That  
25 would shade the dugouts for the players so there's

1 two dugouts, four fields, so it's a total of eight  
2 dugouts and the 3,000 would provide pretty much  
3 the same tarps that they have at the Eaton fields  
4 and the labor to do that, so just wanted to  
5 request that.

6 I -- I did the math and Shannon was  
7 kind enough to get someone or herself, I'm not  
8 sure, to measure the dugouts to know what we were  
9 looking at as far as how many tarps would be  
10 needed to have a setup similar to the one they  
11 have in Eaton. So that's all I have.

12 UNIDENTIFIED SPEAKER: So -- is  
13 that -- that's for over top, is that what you're  
14 asking?

15 MS. HASSELL: That's for over top.  
16 But it wouldn't have a roof. It's just to put the  
17 tarp over top and on the sides, that would be not  
18 facing the field -- the -- the back side of it  
19 for, like -- so it would -- it would cover it  
20 almost like -- like a tent.

21 UNIDENTIFIED SPEAKER: So like  
22 against the fence (indiscernible).

23 MS. HASSELL: Against the fence and  
24 then it would go up against the fence. Excuse me.

25 UNIDENTIFIED SPEAKER: The fence and

1 over is that what you're talking about?

2 MS. HASSELL: Yeah, it would go over  
3 to the other side of the fence where the dugout is  
4 on the other side too, like, you have the dugout  
5 so you have the fence that is towards the walking  
6 path, if you think of the ones that are going  
7 right there and then the kids sit inside. There's  
8 another fence so they don't get hit with the ball.  
9 So the tarp would go up and over and connect to  
10 that other fence and then it would shade so all  
11 the little kids that are sitting inside when  
12 they're waiting to bat would have some shade.

13 UNIDENTIFIED SPEAKER: Is it on  
14 the -- is it on the -- on their backs or on their  
15 front facing the --

16 MS. HASSELL: It would be on their --  
17 it would be on their backs, so --

18 UNIDENTIFIED SPEAKER: On both sides,  
19 the first and the third --

20 MS. HASSELL: Right.

21 UNIDENTIFIED SPEAKER: -- base side,  
22 dugouts.

23 MS. HASSELL: So, yeah, the plan  
24 would be -- it would -- it would have three sides  
25 shaded. So it would be the top, their back side

1 and then whatever side isn't the gate for them to  
2 get in because depending on which field you're at  
3 would be, like, whether the right or left for the  
4 gate to get into the dugout so that one would be  
5 open and then to watch the game would be open.

6 UNIDENTIFIED SPEAKER: Okay.

7 MS. HASSELL: But everything else  
8 would be enclosed with the tarp so they could have  
9 a shaded area.

10 UNIDENTIFIED SPEAKER: And you're  
11 wanting the \$3,000 for the tarp or you're wanting  
12 the 3,000 --

13 MS. HASSELL: That includes the tarps  
14 and the labor to get it done.

15 MS. MADDEN: That's to install  
16 them --

17 MS. HASSELL: To install them,  
18 measure -- to do the measurements, cut it if you  
19 have to cut it or whatever. So -- that's  
20 installation and the tarp. For \$3,000 we can do  
21 all four fields at Don Rusk.

22 MS. MADDEN: Do you have an estimate?  
23 Does someone have a printed estimate?

24 MS. HASSELL: I don't have a printed  
25 estimate. I honestly looked on Google and got

1 ahold of the people at Eaton to find out what they  
2 used and so that's what I did. I just went on  
3 Google and found the least expensive that would  
4 fit our measurement needs.

5 MS. MADDEN: How many dugouts do we  
6 have?

7 MS. HASSELL: We have -- it would be  
8 a total of eight dugouts because there's four  
9 fields.

10 MS. MADDEN: Okay. (Indiscernible.)

11 MS. HASSELL: And I have kids that  
12 play softball and so we kind of live up there come  
13 spring. It goes into summer. It gets really hot.  
14 Really hot. I mean, these -- these poor kids --  
15 like to the point where parents are going and  
16 buying extra water even though they all brought  
17 water and we're bringing coolers just to like --  
18 coolers full of wet rags to keep on them because  
19 it's hot.

20 MR. ARRIOLA: All right. Thank you.  
21 We'll -- (indiscernible) consideration.

22 UNIDENTIFIED SPEAKER: Thank you.

23 MR. ARRIOLA: Anyone else?

24 MS. BEMIS: Sorry. I didn't know we  
25 could ask for stuff. At -- at Don Rusk Park, I

1 have pictures, I appreciate you guys, you know,  
2 making a motion for the playground equipment and  
3 the bathrooms down at the park. It's a beautiful  
4 park that definitely has a lot of traffic and is  
5 used quite a bit so it's appreciated.

6 Now, as far as the shelters go. I  
7 know it's been brought up at a parks board meeting  
8 looking at the meeting minutes, even back at the  
9 beginning of 2017, the park benches, the picnic  
10 tables underneath the shelters are literally  
11 broken. I mean there's pieces. I know that it  
12 was stated that the service department checks them  
13 on a weekly basis.

14 Probably four months ago, I mean it's  
15 a sharp wood stake that was just totally fell off  
16 of it. They're all -- they're just corroding.  
17 They're just rotting out. They're all chipped up.  
18 I have pictures if you need to see them. The  
19 shingles are flying off the shelters. Literally  
20 the wood is dry rotting.

21 MR. ARRIOLA: Okay. So you're asking  
22 for --

23 MS. BEMIS: I'm asking -- yeah, if  
24 maybe you guys can restrain -- maybe power wash,  
25 restrain, shingle the shelters at Don Rusk Park and

1 look at new picnic tables.

2 MS. MADDEN: Okay.

3 MR. ARRIOLA: All right. Thank you.

4 MS. BEMIS: That's it.

5 MR. MARCUS: Shannon, is that the  
6 sorority shelter or the little small brown ones.

7 MS. BEMIS: All of -- I mean all of  
8 them are in --

9 MR. MARCUS: All of them?

10 MS. BEMIS: -- kind of poor shape.  
11 There's the big shelter down by the foot -- by the  
12 tennis courts.

13 MR. MARCUS: Sure. Uh-hum.

14 MS. BEMIS: And then there's the  
15 smaller one in between the stage and the tennis  
16 courts close to the high school and then you've  
17 got a small one -- I'm trying to think of how to  
18 describe on the other side of the tennis court.

19 MR. MARCUS: Yeah.

20 MS. BEMIS: And then --

21 MS. MADDEN: By the walking path,  
22 down the --

23 MS. BEMIS: Yes.

24 MR. MARCUS: Okay. I know where you  
25 mean.



1 MS. BEMIS: And you've got a couple  
2 in the corner behind the fence line -- or behind  
3 the farm line and then one behind the residential  
4 line.

5 MS. MADDEN: And they all have tables  
6 in them? They all (indiscernible).

7 MS. BEMIS: Yeah, for the most part  
8 the three -- the two large shelters have picnic  
9 tables and they're just literally falling apart.  
10 But the main thing is like shingles are flying off  
11 so like when we mow, we have to get off and pick  
12 up shingles because they're just all over the  
13 place. So -- and I did try years ago when I  
14 brought this up when it was suggested contact the  
15 sorority that put that one shelter in and I don't  
16 think there's anybody living from that -- I  
17 couldn't find anybody so --

18 MR. MARCUS: Okay.

19 MR. ARRIOLA: All right.

20 MS. BEMIS: Thank you.

21 MR. ARRIOLA: Thank you.

22 MS. SEXTON: Melissa Sexton, 180  
23 (indiscernible) Drive. On the bathrooms at Don  
24 Rusk, I've been trying to (indiscernible) on --  
25 off and on over there. I'm working on paint for

1 the concrete in the bathrooms. That's going to be  
2 donated. No cost will come out of anyone's  
3 pocket. I also have someone who is going to paint  
4 it as -- as well. Concrete paint so it will go  
5 right over the paint that I (indiscernible) that  
6 is all over the floor. Also working on a  
7 countertop and a couple of sinks. That is all  
8 free. It is -- it will be donated. So places  
9 like Home Depot and Lowe's will donate them as  
10 well. Do I have to have permission to replace  
11 these items? (Indiscernible.)

12 MR. MARCUS: Just coordinate through  
13 our office, Melissa.

14 MS. SEXTON: Okay.

15 MR. MARCUS: And we'll work it out.

16 MS. MADDEN: Are you talking about  
17 the bathroom that Doug's talking about or are we  
18 talking about the back bathroom?

19 MS. SEXTON: They're the same.

20 MS. MADDEN: Same bathroom?

21 MS. SEXTON: Yeah.

22 MS. MADDEN: Okay. I just wanted to  
23 make sure we're all talking about the same  
24 bathroom.

25 MR. MARCUS: Right.

1 MS. SEXTON: Yeah, we are.

2 MR. MARCUS: We are.

3 MS. MADDEN: Okay.

4 MS. SEXTON: So that's what -- I had  
5 all of that in the works prior to any of this.

6 MR. MARCUS: Uh-huh.

7 MS. SEXTON: So anyway, also around  
8 that park, them blue and white barrels, would it  
9 be possible to get some sort of trash cans?

10 MS. MADDEN: I had that on my list  
11 for park board.

12 MS. SEXTON: Okay. All right. Yeah.  
13 That's pretty bad. And then if I do the research,  
14 would it be possible to get a couple of stands for  
15 dog uses for bags and we can maybe station one at  
16 the entrance of the park? I think I've seen them  
17 on line for a hundred dollars.

18 MS. MADDEN: You're talking about  
19 the -- the pooper scooper bags?

20 MS. SEXTON: Yeah.

21 MR. MARCUS: Yeah.

22 MS. SEXTON: Maybe put one at the  
23 entrance and then -- I'm not talking about you  
24 know tenor 15. You know, maybe like two. Put  
25 one at the entrance and maybe one towards the

1 other sidewalk that enters into the park off of  
2 (indiscernible) road.

3 UNIDENTIFIED SPEAKER: That is a  
4 great idea.

5 MS. SEXTON: (Indiscernible) I know.  
6 (Indiscernible) a lot around there.

7 UNIDENTIFIED SPEAKER: It's not my  
8 dog.

9 MS. SEXTON: So I can do the research  
10 and find a reasonable place to get that and --

11 MS. MADDEN: You want to bring that  
12 to park board at our next meeting?

13 MS. SEXTON: Sure.

14 MS. MADDEN: That would be great.  
15 Yeah.

16 MR. ARRIOLA: Thought we dog owners  
17 were supposed to be carrying bags with us as well  
18 too. So --

19 MS. SEXTON: Yeah, well.

20 MS. MADDEN: They forget.

21 MS. SEXTON: All right.

22 MS. MADDEN: They forget their dogs  
23 go. Thanks, Melissa.

24 MR. ARRIOLA: Thank you, Melissa.  
25 Anyone else? Okay. I think have a -- have a

1 closing of hearing, we need a motion, right  
2 (indiscernible)?

3 UNIDENTIFIED SPEAKER:  
4 (Indiscernible.)

5 MR. ARRIOLA: Do a motion to close?

6 UNIDENTIFIED SPEAKER: What we'd do  
7 is accept the amendments (indiscernible).

8 MS. CALDWELL: I'm Tina Caldwell, 401  
9 Holderman Place.

10 MR. ARRIOLA: Wait.

11 MS. MADDEN: Wait. We got one more  
12 person.

13 MR. ARRIOLA: Wait. We were  
14 (indiscernible) closing but we didn't --

15 MS. MADDEN: Go ahead.

16 MR. ARRIOLA: What do you need? Go  
17 ahead.

18 MS. MADDEN: Go ahead.

19 MS. CALDWELL: Well, I just -- with  
20 everything else, I was just going to add, I would  
21 like to see benches like the ones --

22 MR. ARRIOLA: Wait a minute. We  
23 didn't catch your name and --

24 MS. CALDWELL: Oh, Tina Caldwell, 401  
25 Holderman Place. I was just going to see if we

1 couldn't get just at the park benches like the  
2 ones next to the tennis court, and what else do I  
3 ask? Here my brain is not working right now. And  
4 the entry, like the entry, there's one, when you  
5 walk in the walk path, the green one, if we  
6 couldn't get one that kind of matched that one.

7           We've had one child that already cut  
8 their head open on that one and it's just outdated  
9 and it looks kind of bad. And most people come  
10 through that entrance, it would be nice to have  
11 something to put information and nice to look at  
12 there as well. But that's about all I had to add.

13           MR. ARRIOLA: All right. Thank you.  
14 Before we close, do we have anything else? Okay.  
15 Do I have a motion to accept the changes to the  
16 2019 budget as -- as amended?

17           UNIDENTIFIED SPEAKER: So moved.

18           UNIDENTIFIED SPEAKER: Second.

19           THE CLERK: Ms. Macmann?

20           MS. MACMANN: Yes.

21           THE CLERK: Ms. Madden?

22           MS. MADDEN: Yes.

23           THE CLERK: Ms. McClusky?

24           MS. MCCLUSKY: Yes.

25           THE CLERK: Mr. Sands?

1 MR. SANDS: Yes.

2 THE CLERK: Mr. Thompson?

3 MR. THOMPSON: Yes.

4 THE CLERK: Mr. Arriola?

5 MR. ARRIOLA: Yes.

6 THE CLERK: Mr. Joy?

7 MR. JOY: Yes.

8 THE CLERK: Seven yeses, no nos.

9 MR. ARRIOLA: Do I have a motion to  
10 close the hearing?

11 UNIDENTIFIED SPEAKER: So moved.

12 UNIDENTIFIED SPEAKER: Second.

13 MR. ARRIOLA: Doug (indiscernible).

14 THE CLERK: Ms. Madden?

15 MS. MADDEN: Yes.

16 THE CLERK: Ms. McClusky?

17 MS. MCCLUSKY: Yes.

18 THE CLERK: Mr. Sands?

19 MR. SANDS: Yes.

20 THE CLERK: Mr. Thompson?

21 MR. THOMPSON: Yes.

22 THE CLERK: Mr. Arriola?

23 MR. ARRIOLA: Yes.

24 THE CLERK: Mr. Joy?

25 MR. JOY: Yes.

1 THE CLERK: Ms. Macmann?

2 MS. MACMANN: Yes.

3 THE CLERK: Seven yeses, no nos.

4 MR. ARRIOLA: Okay.

5 UNIDENTIFIED SPEAKER: I have a  
6 question --

7 MS. MADDEN: That ends the budget  
8 meeting. We'll start council at 7:30.

9 (Meeting ended.)

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1 STATE OF OHIO )

2 COUNTY OF MONTGOMERY ) SS: CERTIFICATE

3 I, Monica M. Silverwood, a Notary Public  
4 within and for the State of Ohio, duly  
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the above-named  
7 taped proceeding was reduced to writing by me  
8 stenographically and thereafter reduced to  
9 typewriting to the best of my ability.

10 I FURTHER CERTIFY that I am not a relative  
11 or Attorney of either party nor in any manner  
12 interested in the event of this action.

13 IN WITNESS WHEREOF, I have hereunto set my  
14 hand and seal of office at Dayton, Ohio, on this  
15 17th day of April, 2019.



*Monica M. Silverwood*

MONICA M. SILVERWOOD, RPR, CET  
NOTARY PUBLIC, STATE OF OHIO  
My commission expires 9-2-2019

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